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December 17, 1997

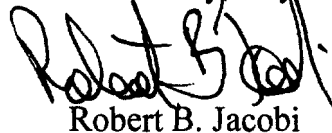
VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Dear Ms. Salas

On behalf of the Los Angeles Unified School District, licensee of non-commercial, educational Station KLCS, Los Angeles, California, there is herewith transmitted an original and nine copies of its "Comments of Los Angeles Unified School District on MSTV Ex Parte Submission."

Yours very truly


Robert B. Jacobi

RBJ:btc

Enclosures

cc: Mr. Robert Eckert



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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of

Advanced Television Systems and Their
Impact Upon the Existing Television
Broadcast Service

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)
)
)
)

MM Docket No. 87-268

TO: The Commission

COMMENTS OF LOS ANGELES UNIFIED SCHOOL DISTRICT ON MSTV EX PARTE SUBMISSION

The Association for Maximum Service Television, Inc. and Other Broadcasters (hereinafter "MSTV"), on November 20, 1997, filed a document entitled "Ex Parte Submission Based on New Technical Discoveries to Help the Commission Improve the DTV Table of Allotments/Assignments." By Public Notice dated December 2, 1997, the FCC announced that it was soliciting Comments on the MSTV Submission. On behalf of the Los Angeles Unified School District, licensee of non-commercial educational television station KLCS, Channel 58, Los Angeles, California (hereinafter "LAUSD" or "KLCS"), there is herewith submitted its Comments.

1. The MSTV proposals do not represent full industry agreement. While MSTV members and other broadcasters may derive benefits, the MSTV Submission ignores needs of individual licensees, particularly with respect to channel changes set forth in the revised Table of Allocations for stations in the Los Angeles market area. In this respect, LAUSD submits that the issues raised by MSTV should be considered on an individual case-

by-case basis. Moreover, LAUSD submits that the type of issues raised by MSTV should be resolved by the Federal Communications Commission, and not by an industry group which may not necessarily reflect the various divergent interests.

2. LAUSD acknowledges that the MSTV Submission contains "Improvements" which are meritorious and worthy of consideration. The fact, however, that Improvements can be achieved does not justify the unnecessary reallocation of DTV channels in the Los Angeles market primarily for the benefit of VHF licensees and totally devoid of consideration for the needs of those licensees which would be adversely affected by the MSTV revised Table of Allocations. In the case of LAUSD, a noncommercial educational station providing programming to approximately 900,000 students, it would be deprived of a core channel allotment (Channel 41) for an out-of-core channel allotment (Channel 59). The MSTV Submission is couched in terms of "assisting" the Commission. The altruistic objective of "assisting" is in fact intermixed with MSTV self-serving objectives. In evaluating the Improvements, it is incumbent upon the Commission to properly distinguish between these objectives.

3. To demonstrate the inequities visited upon LAUSD by the MSTV proposals, it is necessary to consider salient allocations set forth in the Sixth Report and Order and in the MSTV Submission, as follows:

LAUSD	<u>ECC</u>	<u>MSTV</u>
KTLA	Ch. 41	Ch. 59
KRCA	Ch. 68	Ch. 41
	Ch. 69	Ch. 61

The MSTV Submission correctly establishes that the allocation of Channel 69 was a mistake. The mistake, however, is remedied by substituting Channel 61 for Channel 69, thereby eliminating the adjacent channel short spacing and establishing the viability of Channel 68. Having established the viability of Channel 68, the question is raised as to the justification

for the MSTV proposed allocation of Channel 41 to KTLA-TV at the expense of LAUSD -- other than the fact that KTLA is a VHF licensee (Channel 5) and, perhaps, a member of MSTV. Underlying the MSTV revised Table of Allocations is the principle that the MSTV proposal would make changes only when necessary and would follow the FCC's Table where possible. Indeed, there is no justification for now deviating from that principle and for not following the Commission's Channel 41 allotment to LAUSD (see Engineering Statement attached hereto as Appendix 1).

4. Station KLCS provides 126 hours a week of non-entertainment programming as follows (see Appendix 2):

<u>Program Type</u>	<u>Hours</u>	<u>Percentage</u>
Instructional Television	45	35%
Adult Education	10	8%
College Credit Courses	11	9%
Staff Development	3	2.5%
District Public Information	19	15%
Community Outreach	14.5	11.5%
Multicultural/Diversity	2.5	2%
Children's	7.5	6%
Community	13.5	11%
	<hr/> 126	<hr/> 100%

Station KTLA-TV is a commercial operation which provides standard commercial fare. Is there something amiss with the KLCS programming to justify MSTV rewarding Station KTLA with Channel 41 and punishing LAUSD by proposing Channel 59? The answer is obvious -- there is no valid justification for the MSTV proposal. Utilizing the MSTV proposal, Channel 41 can be allotted to Station KLCS and Channel 68 (or 59) can be allotted to KTLA. The Commission's final Table of Allocations should reflect the allotment of Channel 41 to LAUSD.

5. There is a further reason for the Commission to reject the MSTV Channel 59 proposal for LAUSD. LAUSD operates on NTSC Channel 58 -- a channel that will not be a part of the core spectrum. Consequently, LAUSD will not have an option to return to DTV Channel 58 upon termination of the transition time period. Conversely, KTLA-TV (as well as other Los Angeles area licensees operating on channels 2 through 46) will have the option to return to their original channels. Indeed, KTLA-TV reasonably and logically can be expected to return to a DTV Channel 5 operation.^{1/} In this posture, it is more likely that a station licensed to operate on an NTSC channel outside of the core spectrum will accept a transitional core channel allocation as its permanent DTV allocation -- because of viewer identity achieved during the transition period and in order to avoid the cost of a second channel move. In the case of LAUSD, a noncommercial operation, the specter of an additional financial burden necessitated by a second channel move is of paramount significance. Moreover, the public interest would be better served by establishing channel continuity rather than sanctioning channel changes motivated by private interests.

Respectfully submitted,

LOS ANGELES UNIFIED SCHOOL DISTRICT

By: 

Robert B. Jacobs
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Date: December 17, 1997

^{1/} Operational costs, coverage, channel continuity, viewer identity are some of the more salient reasons guaranteeing the return to DTV broadcast operation on DTV channels 2 through 13.

APPENDIX 1

ENGINEERING STATEMENT

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

ORIGINAL

**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
LOS ANGELES UNIFIED SCHOOL DISTRICT**

The instant Engineering Statement has been prepared on behalf of Los Angeles Unified School District (hereafter, LAUSD), licensee of television station KLCS, Los Angeles, CA. KLCS is licensed for operation on channel 58 with maximum effective radiated power of 2,140 kW and antenna radiation center height above average terrain of 875 meters. A directional antenna is employed. The KLCS site is at Mount Wilson where numerous other stations serving Los Angeles are located.

The FCC's Sixth Report and Order allotted channel 41 for DTV use for KLCS with a maximum replication power of 55.7 kW. The Association for Maximum Service Television, Inc. and other broadcasters (hereafter MSTV/Broadcasters) have submitted a document in MM Docket Number 87-268 entitled, "Ex Parte Submission Based on New Technical Discoveries to Help the Commission Improve the DTV Table of Allotments/Assignments." The MSTV/Broadcasters' submission proposes modifications to the FCC's Sixth Report and Order DTV allotment table to remedy certain perceived deficiencies.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

Engineering Statement
Station KLCS-TV, Los Angeles, CA

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A wholesale rearrangement of the DTV channel allotments for the Los Angeles area is proposed.

Instead of the DTV channel 41 allotment for KLCS as set forth in the Sixth Report and Order, the MSTV/Broadcasters plan proposes channel 59, an out of core channel. While LAUSD has no quarrel with the objectives sought by MSTV/Broadcasters, it does have a problem with the out of core channel 59 allotment that has been proposed because of the extreme financial burden that LAUSD would encounter in having to rebuild its DTV facility a second time after the transition. With the channel 41 allotment that has been adopted by the FCC, no second rebuild would be required.

A review of the MSTV/Broadcasters plan reveals that the DTV channel 41 that had been allotted to KLCS in the FCC Sixth Report and Order has been proposed for DTV use for KTLA-TV which currently operates on NTSC channel 5. KTLA-TV had been allotted DTV channel 68 in the Sixth Report and Order. That allotment was short-spaced with respect to the channel 69 allotment for KRCA, Riverside. Station KRCA operates from a site at Sunset Ridge. In turn, that channel 69 allotment was defective since it failed

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

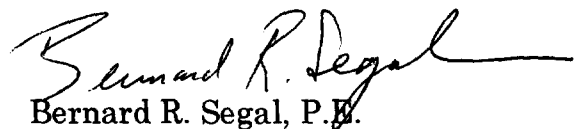
Engineering Statement
Station KLCS-TV, Los Angeles, CA

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to take into account the protection that would have to be afforded land mobile operations in the Los Angeles area on channel 70.

The MSTV/Broadcasters' plan remedies the channel 69 allotment deficiency by proposing channel 61 instead for use by KRCA. With the removal of the first adjacent channel short-spacing between channel 68 at Mount Wilson and channel 69 at Sunset Ridge, the channel 68 allotment problems are eliminated. LAUSD, therefore, urges retention of channel 41 for use by KLCS and the substitution of channel 68 for channel 41 for use by KTLA-TV in the MSTV/Broadcasters' plan. Alternatively, channel 59 could be allotted to KTLA-TV or another Mount Wilson station with compatible replication parameters.

The LAUSD requested revision of the MSTV/Broadcasters plan would not undermine any of the objectives that are claimed for the plan.


Bernard R. Segal, P.E.

December 16, 1997

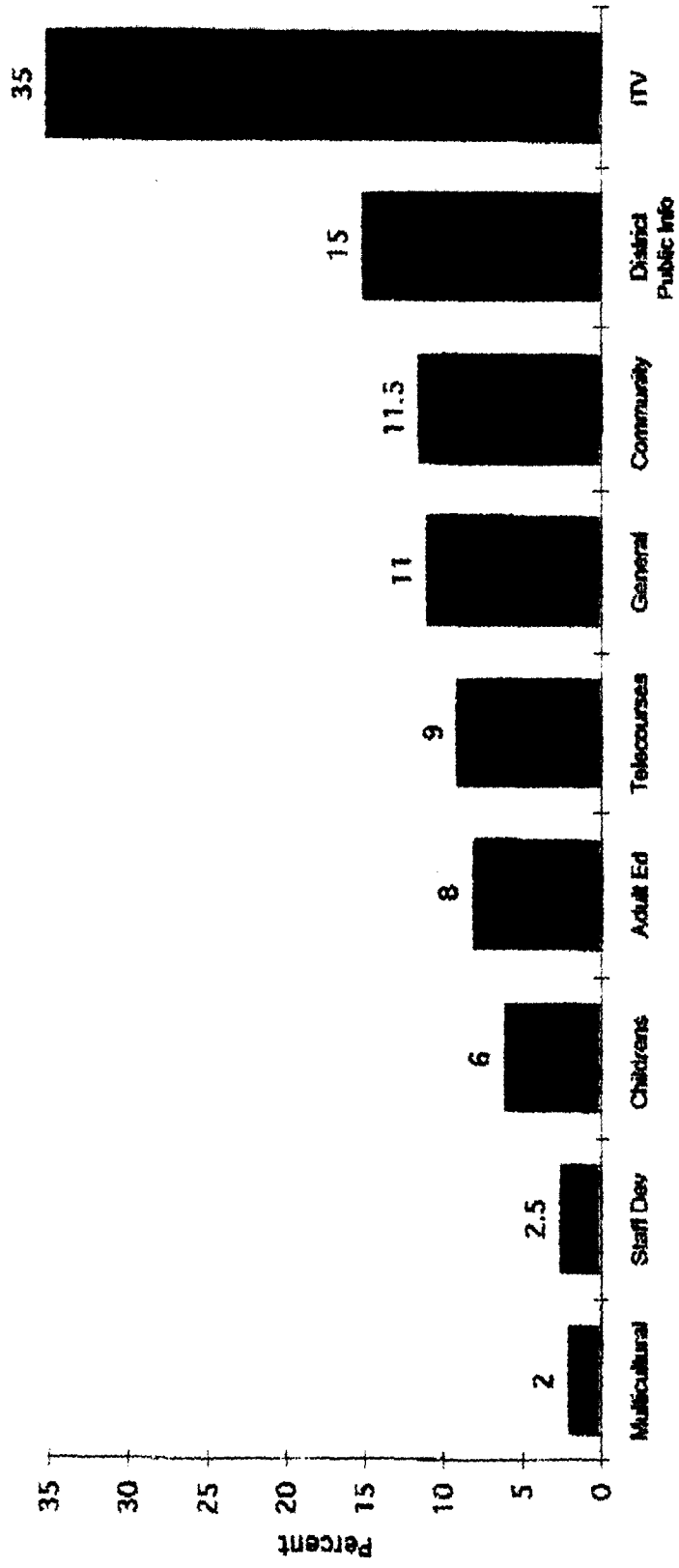
APPENDIX 2

***KLCS PROGRAMMING AVERAGE BROADCAST
WEEK***

KLCS AVERAGE BROADCAST WEEK

<u>Program Type</u>	<u>Hours</u>	<u>Percentage</u>
Instructional Television	45	35%
Adult Education	10	8%
College Credit Courses	11	9%
Staff Development	3	2.5%
District Public Information	19	15%
Community Outreach	14.5	11.5%
Multicultural/Diversity	2.5	2%
Children's	7.5	6%
Community	<u>13.5</u>	<u>11%</u>
Totals	126	100%

KLCS Average Broadcast Week - Report Date 12/12/97



CERTIFICATE OF SERVICE

I, Brenda Chapman, hereby certify that on this 17th day of December, 1997 a copy of the foregoing "Comments of Los Angeles Unified School District on MSTV Ex Parte Submission" was mailed, first-class U.S. mail, postage prepaid to the following:

Jonathan D. Blake, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044-7566
Counsel for AMST



Brenda Chapman